



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,277	07/31/2000	Hiroyuki Miyoshi	9369-49(T37-124487M/TH)	4913

570 7590 11/20/2002

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.
ONE COMMERCE SQUARE, SUITE 2200
2005 MARKET STREET
PHILADELPHIA, PA 19103

EXAMINER

BRAHAN, THOMAS J

ART UNIT	PAPER NUMBER
----------	--------------

3652

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/629,277

Applicant(s)
MIYOSHI et al

Examiner
Thomas J. Brahan

Art Unit
3652



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 17, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on Aug 12, 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

1. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

2. Claims 1-3, 5, and 6 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Aulanko et al (EP 719 724) in view of JP 11-79627. Figure 4 of Aulanko et al shows an elevator apparatus comprising:

an actuating device including a sheave (107) around which a rope (103) engaged with an ascending and descending cage (101) is wound, the sheave being adapted to rotate thereby to move the rope with its rotation, and a driving section (106) for rotating the sheave,

wherein the actuating device (106) is installed in a machine room (109) provided on a top floor of a building in which said ascending and descending cage is disposed, and the machine room is adjacent an elevator passage for the cage, and a rotation surface of the sheave is generally perpendicular to an axis of rotation of the sheave and opposed to a side of the cage when the cage is positioned at the top floor.

Aulanko et al varies from claim 1 by not having a speed reducer at its driving section. JP '627 shows an elevator drive including a support member (5), a speed reducer (20) mounted on a first side of the support member, a drive assembly (1) mounted on a second side of the support member, and a brake assembly (40) supported on the second side. It would have been obvious to one of ordinary skill in the art to provide the elevator drive of Aulanko et al with a speed reducer, to reduce engine speed, as is well known in the elevator art, as taught by JP '627. The speed-reducer, drive assembly, and brake of JP '627 are

arranged coaxially, as recited in claim 3. The output of the speed reducer is the sheave, as recited in claim 5. The mounting of the support is to the floor as recited in claim 6.


3. Claims 1-3, 5, and 6 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over JP '627 in view of Aulanko et al, or Beaulieu. JP '627 shows an elevator drive including a support member (5), a speed reducer (20) mounted on a first side of the support member, a drive assembly (1) mounted on a second side of the support member, and a brake assembly (40) supported on the second side. It varies from claim 1 by not showing how it is mounted in the building. Figure 4 of Aulanko et al shows an elevator apparatus with its drive assembly (106) installed in a machine room (109) provided on a top floor of a building as to have its rotation surface of the sheave opposing a side of the cage when the cage is positioned at the top floor. Figure 2 of Beaulieu shows an elevator apparatus with its drive assembly (18) installed in a machine room (42) provided on a top floor of a building as to have its rotation surface of the sheave opposing a side of the cage when the cage is positioned at the top floor. It would have been obvious to one of ordinary skill in the art to mount the drive assembly of JP '627 in an elevator machine room which is located at the top of the elevator shaft and across from the cage when the cage is in its upper position, to save building space, as taught by Aulanko et al, or by Beaulieu. The speed-reducer, drive assembly, and brake of JP '627 are arranged coaxially, as recited in claim 3. The output of the speed-reducer is its sheave, as recited in claim 5. The mounting of the support is to the floor as recited in claim 6.

4. Claim 4 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over JP '627 in view of Aulanko et al or Beaulieu, as applied above to claim 2, and further in view of Hakala et al. JP '627, as modified, shows the basic claimed elevator device, but varies from claim 4 by not having the brake located radially inwardly of the motor. Hakala et al shows a similar compact elevator drive and teaches placing the brake mechanism (122, 123) within the motor. It would have been obvious to one of ordinary skill in the art to modify the actuating assembly of JP '627 by having its brake mechanism located radially within the motor, to reduce the space occupied by the actuating assembly, as taught by Hakala et al.

5. Applicant's argues in the amendment filed after the final rejection and entered with the RCE that the machine space of Aulanko et al is in the shaft, and is not a machine room adjacent the shaft. However the machine space is a recess in the sidewall of the shaft as to be considered as a room, as broadly recited

in claim 1. Furthermore the machine space shown by Beaulieu is similar to applicant's machine room arrangement. Applicant's remaining remarks in the amendment have been considered, but are deemed moot in view of the above new grounds of rejection.

6. An inquiry concerning this action should be directed to Examiner Thomas J. Brahan at telephone number (703) 308-2568 on Mondays through Thursdays from 8:30-6:00 EST. The examiner's supervisor, Ms. Eileen Lillis, can be reached at (703) 308-3248. The fax number for Technology Center 3600 is (703) 305-7687.

 11/10/02
THOMAS J. BRAHAN
PRIMARY EXAMINER